**Vandalism and Graffiti BP ####**

Why is a Board Policy on Vandalism and Graffiti Important?

Disciplining students for vandalism and graffiti should be the primary responsibility of school administrators, not police. Behavior as minor as doodling on a school desk or carving a message into a tree may constitute “unlawful” vandalism or graffiti – and students can suffer permanent damage when they are criminally prosecuted for minor misbehavior. The ACLU estimates that 33 percent of school districts statewide require school staff to report “damage or loss to school property,” including vandalism and graffiti, to police. In schools where police are frequently or permanently stationed, students may easily end up with a criminal citation or worse for engaging in typical adolescent behavior like marking or drawing on school property.

= Required Legal Standard

= Calls for Administrative Regulation or Relies on Different Board Policy

= ACLU Identified as Most Important



| Paragraph Number | Provision | Model Board Policy | Explanation |
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| 1 | **Assign Disciplinary Responsibility to Principals** | “The [District] is committed to creating a school environment where students are respectful of school property and each other. The principal or designee shall investigate any vandalism or graffiti on the school campus, particularly when the incident implicates the [District]’s sexual harassment, hate-motivated behavior, or nondiscrimination grievance procedures.” | School or district administrators should have primary responsibility for disciplining students for incidents of vandalism. If the policy clearly identifies the principal as the primary disciplinarian, it makes clear that it is not appropriate to involve law enforcement in these incidents. |
| 2 | **Prefer School-Based Discipline** | “Generally, the principal or designee shall address vandalism with school-based discipline, applying restorative justice approaches and positive behavior intervention and support where all parties involved come together, identify the harm that was caused, and develop an agreement on how to restore harmony.” | This section specifies that alternative disciplinary consequences – such as restorative justice – should be used when a student commits an act of vandalism. This approach is far more effective in the long run than simply referring a student to the criminal justice system. |
| 3 | **Limit Law Enforcement Involvement** | “The [District] administrators or staff shall not call law enforcement to respond to an incident involving vandalism unless the incident carries real and immediate physical threat to student, staff, or public safety. The principal or designee should conduct an investigation prior to making a decision to request the involvement of law enforcement officers. The school investigation should include interviewing the student suspect and other witnesses to determine whether law enforcement involvement is critical, pursuant to the standards set forth in BP #### - Student Contact with Law Enforcement and Student Questioning and Apprehension.” | This section explains the procedure that school or district administrators must follow to determine whether it is appropriate to involve law enforcement when vandalism happens. A police report stating that the incident happened may be required by the district’s insurance carrier to fix the property damage. However, police should only be called to campus to deal directly with students if there is a real and immediate physical threat to student, staff, or public safety. |
| 4 | **Identify Alternative Means of Discipline** | “A student who commits an act of vandalism or graffiti on school grounds may be subject to disciplinary action. Alternative means of correction, such as restorative justice, teen court, or counseling, shall be imposed to address vandalism and graffiti in [District] schools and fail before imposing exclusionary discipline such as suspension or expulsion.” | Alternative disciplinary methods are far more effective in the long run than simply referring a student to the criminal justice system. Listing possible alternative discipline programs helps school administrators understand their options when faced with the decision of how to discipline a student who commits an act of vandalism. |
| 5 | **Evidence Gathering** | “Photographs or other evidence of the vandalism or graffiti shall be preserved as necessary for investigation by the district and as evidence in any district disciplinary proceedings.” | This provision requires the district to produce actual evidence in disciplinary proceedings, which helps protect the student’s right to defend herself in those proceedings. |
| 6 | **Vandalism/Graffiti Removal** | “The principal or designee shall ensure that graffiti on school grounds is removed and covered as soon as possible, and if practicable before the beginning of the next school day.” | Quickly removing graffiti and vandalism helps limit their disruptive effect on school activities. |